

### **REMARKS/ARGUMENTS**

These Remarks are responsive to the Office Action mailed December 22, 2005 ("Office Action"). Applicants respectfully request reconsideration of the rejections of claims 1-7 for at least the following reasons.

### **STATUS OF THE CLAIMS**

Claims 1-7 are pending in the application. Claim 7 stands rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1-7 stand rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the enablement requirement.

#### **Claim 7 Amendments**

Claim 7 has been amended as indicated above to remove a typographical error. Applicants respectfully submit that amended claim 7 is in compliance with the statutory requirement for definiteness. Applicants respectfully request that the rejection of claim 7 be withdrawn.

#### **Claims 1-7 Are Enabled By The Specification As Filed**

Applicants respectfully submit that claims 1-7 are properly enabled by the specification as filed and that the rejection under 35 U.S.C. § 112, first paragraph, is improper. Applicants respectfully request that the rejections be withdrawn.

As stated in MPEP § 2164.01:

Any analysis of whether a particular claim is supported by the disclosure in an application requires a determination of whether that disclosure, when filed, contained sufficient information regarding the subject matter of the claims as to enable one skilled in the pertinent art to make and use the claimed invention. The standard for determining whether the specification meets the enablement requirement was cast in the Supreme Court decision of *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916) which postured the question: is the experimentation needed to practice the invention undue or unreasonable? That standard is still the one to be applied. *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988). Accordingly, even though the statute does not use the term "undue experimentation," it has been interpreted to require that the claimed invention be enabled so that any person skilled in the art can make and use the invention without undue experimentation. *In re Wands*, 858 F.2d at 737, 8 USPQ2d at 1404 (Fed. Cir. 1988). See also *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 USPQ2d 1217, 1223 (Fed. Cir. 1988) ("The test

of enablement is whether one reasonably skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation."). A patent need not teach, and preferably omits, what is well known in the art. *In re Buchner*, 929 F.2d 660, 661, 18 USPQ2d 1331, 1332 (Fed. Cir. 1991); *Hybritech, Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1384, 231 USPQ 81, 94 (Fed. Cir. 1986), *cert. denied*, 480 U.S. 947 (1987); and *Lindemann Maschinenfabrik GMBH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 1463, 221 USPQ 481, 489 (Fed. Cir. 1984). Determining enablement is a question of law based on underlying factual findings. *In re Vaeck*, 947 F.2d 488, 495, 20 USPQ2d 1438, 1444 (Fed. Cir. 1991); *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1576, 224 USPQ 409, 413 (Fed. Cir. 1984).

Applicants respectfully submit that claims 1-7 are fully enabled by the specification as filed and that no "undue experimentation" is required to practice the invention as claimed. For example, Applicants have provided the following examples of disclosure in the specification as filed that properly enable each step recited in claim 1.

The step of "receiving signal pulses from a transmitting object at a mobile detection device;" is disclosed at least in paragraph [0042]. The step of "calculating a slant range between the transmitting object and the mobile detection device;" is disclosed at least in paragraphs [0046]-[0049]. The step of "calculating a position vector of the transmitting object based at least in part on the slant range" is disclosed in at least paragraphs [0051]-[0069]. Collectively, these steps provide a method of locating an object using inverse multilateration. Applicants respectfully submit that no undue experimentation is necessary. In fact, to the contrary, the above cited portions of the specification provide detailed steps for performing the respective calculations. Similarly, the same analysis can be applied to claims 2-7. For at least these reasons applicants respectfully submit that the rejections of claims 1-7 are improper and request that they be withdrawn.


Conclusion

In the event any variance exists between the amount authorized to be charge to the Deposit Account and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

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Dated: March 22, 2006

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